IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12805 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

VIMLABEN D/O, MUKUNDRAO SUKHDEV VAG

Versus

COMMISSIONER OF POLICE

Appearance:

MR CHETAN B RAVAL for Petitioner

MR SAMIR DAVE AGP for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 15/02/2001

ORAL JUDGEMENT

#. Heard learned counsel for the parties.

#. The petitioner was detained as a bootlegger under the order of the Commissioner of Police, Baroda dated

14.9.2000 and she is presently at Sabarmati Central Jail.

#. Challenging this order manifold contentions are raised by the learned counsel for the petitioner but as this petition deserves to be allowed only on one ground it is not necessary to refer all these contentions, discuss and decide.

#. It is not in dispute that none of the respondents has filed reply to the Special Civil Application.

#. One of the contentions raised is that the the statement of witnesses are recorded by detaining authority on 9.9.2000, 11.9.2000 and 12.9.2000 and all three statements were verified by the respondent No.2 on 14.9.2000 and the detention order was passed on the same day i.e. 14.9.2000. This matter is squarely covered by decision of this court in the case of Ranubhai Bhikhabhai Bharwad (Vekaria) Vs. State of Gujarat & Ors. reported in 2000(3) GLR 2696.

#. I have given my thoughtful consideration to the submissions made by the learned counsel for the petitioner.

#. I find that there is certainly no time gap between verification of the statements of privileged witnesses and order of detention. Reply to the Special Civil Application is not filed by any of the respondents and this factual aspect remains uncontroverted. This matter is squarely covered by the decision of this court reported in 2000(3) GLR 2696 (supra).

In the result, this petition succeeds and the same is allowed. The order of detention of the petitioner dated 14.9.2000 is quashed and set aside. The petitioner Vimalaben, daughter of Mukundrao Sukhdev Vag, the detinue, at present in Sabarmati Central Jail, be set at liberty forthwith, if he is not required in any other case. Rule is made absolute. As the respondents fairly conceded the position, no order as to costs.

(S.K.Keshote, J.)

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